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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 14th May, 1984/Vaisakha 24, 1906 (Saka)

The following Act of Parliament received the assent of the President on the 12th May, 1984, and is hereby published for general information:—

THE WORKMEN'S COMPENSATION (AMENDMENT) ACT, 1984

No. 22 OF 1984

[12*th May*, 1984]

An Act further to amend the Workmen's Compensation Act, 1923.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Workmen's Compensation (Amendment) Act, 1984.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

8 of 1923.

Amendment of section 2.

2. In section 2 of the Workmen's Compensation Act, 1923 (hereinafter referred to as the principal Act), in sub-section (1), in sub-clause (*ii*) of clause (*n*), the words "on monthly wages not exceeding one thousand rupees" shall be omitted.

Substitution of new section for Section 4.

3. For section 4 of the principal Act, the following section shall be substituted, namely:—

Amount of compensation.

'4. (*1*) Subject to the provisions of this Act, the amount of compensation shall be as follows, namely:—

(*a*) where death results from the injury.	an amount equal to forty per cent. of the monthly wages of the deceased workman multiplied by the relevant factor; or an amount of twenty thousand rupees, whichever is more;
(*b*) Where permanent total disablement results from the injury	an amount equal to fifty per cent. of the monthly wages of the injured workman multiplied by the relevant factor; or an amount of twenty-four thousand rupees, whichever is more;

Explanation I.—For the purposes of clause (*a*) and clause (*b*), "relevant factor", in relation to a workman means the factor specified in the second column of Schedule IV against the entry in the first column of that Schedule specifying the number of years which are the same as the completed years of the age of the workman on his last birthday immediately preceding the date on which the compensation fell due;

Explanation II.—Where the monthly wages of a workman exceed one thousand rupees, his monthly wages for the purposes of clause (*a*) and clause (*b*) shall be deemed to be one thousand rupees only,

(*c*) Where permanent partial disablement results from the injury	(*i*) in the case of an injury specified in Part II of Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and (*ii*) in the case of an injury not specified in Schedule I, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity

(as assessed by the qualified medical practitioner) permanently caused by the injury;

Explanation I.—Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries;

Explanation II.—In assessing the loss of earning capacity for the purposes of sub-clause (*i*), the qualified medical practitioner shall have due regard to the percentages of loss of earning capacity in relation to different injuries specified in Schedule I;

(*d*) Where temporary disablement, whether total or partial results from the injury	a half-monthly payment of the sum equivalent to twenty-five per cent. of monthly wages of the workman, to be paid in accordance with the provisions of sub-section (2).

(2) The half-monthly payment referred to in clause (*d*) of sub-section (1) shall be payable on the sixteenth day—

(*i*) from the date of disablement where such disablement lasts for a period of twenty-eight days or more, or

(*ii*) after the expiry of a waiting period of three days from the date of disablement where such disablement lasts for a period of less than twenty-eight days; and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter:

Provided that—

(*a*) there shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment, as the case may be; and

(*b*) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning after the accident.

Explanation.—Any payment or allowance which the workman has received from the employer towards his medical treatment shall not be deemed to be a payment or allowance received by him by way of compensation within the meaning of clause (*a*) of the proviso.

(3) On the ceasing of the disablement before the date on which any half-monthly payment falls due there shall be payable in respect of that half-month a sum proportionate to the duration of the disablement in that half-month,'.

Amendment of section 15.

4. In section 15 of the principal Act, in sub-section (3), for the words "His Majesty's Dominions or in any other foreign country", the words "in any foreign country" shall be substituted.

Amendment of section 35.

5. In section 35 of the principal Act, in sub-section (1),—

(*i*) for the words "to any part of His Majesty's Dominions or to any other country", the words "to any foreign country" shall be substituted;

(*ii*) for the words "such part or country", the words "such foreign country" shall be substituted;

(*iii*) for the words "in any part of His Majesty's Dominions or in any other country", the words "in any foreign country" shall be substituted.

Substitution of new Schedule for Schedule III.

6. For Schedule III of the principal Act, the following Schedule shall be substituted, namely:—

"SCHEDULE III

(*See* section 3)

LIST OF OCCUPATIONAL DISEASES

S. No.	Occupational disease	Employment
(1)	(2)	(3)
	PART A	
1.	Infectious and parasitic diseases contracted in an occupation where there is a particular risk of contamination.	(*a*) All work involving exposure to health or laboratory work; (*b*) All work involving exposure to veterinary work; (*c*) Work relating to handling animals, animal carcasses, part of such carcasses, or merchandise which may have been contaminated by animals or animal carcasses; (*d*) Other work carrying a particular risk of contamination.
2.	Diseases caused by work in compressed air.	All work involving exposure to the risk concerned.
3.	Diseases caused by lead or its toxic compounds.	All work involving exposure to the risk concerned.
4.	Poisoning by nitrous fumes.	All work involving exposure to the risk concerned.
5.	Poisoning by organo phosphorus compounds.	All work involving exposure to the risk concerned.
	PART B	
1.	Diseases caused by phosphorus or its toxic compounds.	All work involving exposure to the risk concerned.
2.	Diseases caused by mercury or its toxic compounds.	All work involving exposure to the risk concerned.
3.	Diseases caused by benzene or its toxic homologues.	All work involving exposure to the risk concerned.

(1)	(2)	(3)
4.	Diseases caused by nitro and amido toxic derivatives of benzene or its homologues.	All work involving exposure to the risk concerned.
5.	Diseases caused by chromium or its toxic compounds.	All work involving exposure to the risk concerned.
6.	Diseases caused by arsenic or its toxic compounds.	All work involving exposure to the risk concerned.
7.	Diseases caused by radioactive substances and ionising radiations.	All work involving exposure to the action of radioactive substances or ionising radiations.
8.	Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances.	All work involving exposure to the risk concerned.
9.	Diseases caused by the toxic halogen derivatives of hydrocarbons (of the aliphatic andaromatic series).	All work involving exposure to the risk concerned.
10.	Diseases caused by carbon disulphide.	All work involving exposure to the risk concerned.
11.	Occupational cataract due to infra-red radiations.	All work involving exposure to the risk concerned.
12.	Diseases caused by manganese or its toxic compounds.	All work involving exposure to the risk concerned.
13.	Skin diseases caused by physical, chemical or biological agents not included in other items.	All work involving exposure to the risk concerned.
14.	Hearing impairment caused by noise.	All work involving exposure to the risk concerned.
15.	Poisoning by dinitrophenol or a homologue or by substituted dinitrophenol or by the salts of such substances.	All work involving exposure to the risk concerned.
16.	Diseases caused by beryllium or its toxic compounds.	All work involving exposure to the risk concerned.
17.	Diseases caused by cadmium or its toxic compounds.	All work involving exposure to the risk concerned.
18.	Occupational asthma caused by recognised sensitising agents inherent to the work process.	All work involving exposure to the risk concerned.
19.	Diseases caused by fluorine or its toxic compounds.	All work involving exposure to the risk concerned.
20	Diseases caused by nitroglycerine or other nitroacid esters.	All work involving exposure to the risk concerned.
21.	Diseases caused by alcohols and ketones.	All work involving exposure to the risk concerned.
22.	Diseases caused by asphyxiants: carbon monoxide, and its toxic derivatives, hydrogen sulfide.	All work involving exposure to the risk concerned.
23.	Lung cancer and mesotheliomas caused by asbestos.	All work involving exposure to the risk concerned.

(1)	(2)	(3)
24.	Primary neoplasm of the epithelial lining of the urinary bladder or the kidney or the ureter.	All work involving exposure to the risk concerned.

PART C

1.	Pneumoconioses caused by sclerogenic mineral dust (silicosis, anthraoosilicosis, asbestosis) and silico-tuberculosis provided that silicosis is an essential factor in causing the resultant incapacity or death.	All work involving exposure to the risk concerned.
2.	Bagassosis	All work involving exposure to the risk concerned.
3.	Bronchopulmonary diseases caused by cotton, flax hemp and sisal dust (Byssinosis).	All work involving exposure to the risk concerned.
4.	Extrinsic allergic alveelitis caused by the inhalation of organic dusts.	All work involving exposure to the risk concerned.
5.	Bronchopulmonary diseases caused by hard metals.	All work involving exposure to the risk concerned.".

Substitution of new Schedule for Schedule IV.

7. For Schedule IV of the principal Act, the following Schedule shall be substituted, namely:—

"SCHEDULE IV

(*See* section 4)

Factors for working out lump sum equivalent of compensation amount in case of permanent disablement and death.

Completed years of age on the last birthday of the workman immediately preceding the date on which the compensation fell due	Factors
1	2
not more than 16	228.54
17	227 49
18	226.38
19	225 22
20	224 00
21	222 71
22	221 37
23	219 95
24	218 47
25	216 91

1	2
26	215.28
27	213.57
28	211.79
29	209.92
30	207.98
31	205 95
32	203.85
33	201.66
34	199.40
35	197.06
36	194.64
37	192.14
38	189.56
39	186.90
40	184.17
41	181.37
42	178.49
43	175.54
44	172.52
45	169.44
46	166.29
47	163.07
48	159.80
49	156.47
50	153.09
51	149.67
52	146.20
53	142.68
54	139.13
55	135 56
56	131.95
57	128.33
58	124.70
59	121.05
60	117 41
61	113.77
62	110.14
63	106.52
64	102.93
65 or more	99.37. ".

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

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